



Feb 6

Pennsylvania Leads The Fight Against Partisan Gerrymandering

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Gerrymandering, the practice of redrawing legislative districts in such a way as to benefit a particular party or politician, has been a mainstay of American democracy for centuries. However, in the past year, more and more cases have been brought to the courts in an effort to dislodge heavily skewed maps, and, possibly, eliminate the practice altogether.

After the 2010 midterm elections, the Republican Party managed to gain control of state legislatures throughout the country. This coincided with the decennial census, after which states were obligated to redraw their congressional districts, as well as state legislative districts. Both parties used the opportunity to draw districts that advantaged them in states they controlled. The next congressional elections, which coincided with the 2012 presidential election, demonstrated the extent of the gerrymandering; the Democratic Party, despite its candidates earning an aggregate of nearly a million and half more votes than their Republican counterparts, only won 201 seats in the House of Representatives, 33 fewer than the Republican Party. In 2016, Republican candidates defeated their Democratic counterparts by a similar amount they lost by in 2012. They, however, won a 47-seat majority over the Democrats, demonstrating that the map resulting from the 2010 redistricting process continued to disadvantage the Democratic Party.

Democratic Party leaders, activists, and voters have high hopes for the 2018 midterms--the first midterm

of Congress since 1994--but have restrained their ambitions due to gerrymandering, knowing that a majority in the popular vote does not guarantee a congressional majority. Luckily for them, several lawsuits regarding gerrymandering have made their way through the court system. *Gill v. Whitford* and *Benisek v. Lamone* claim that Wisconsin's State Senate map--drawn by Republicans — and Maryland's federal congressional map--drawn by Democrats--respectively, were unconstitutional on the grounds of extreme partisan gerrymandering, which the lower courts found violated the Equal Protection clause of the 14th Amendment. The two cases are being heard in conjunction in front of the Supreme Court.

Another case, *League of Women Voters v. Rucho*, claimed that North Carolina's congressional districts violated the U.S. Constitution on the same grounds. North Carolina's congressional districts were struck down and redrawn in 2016; that case, *Cooper v. Harris*, successfully argued that the Republican-dominated North Carolina State Legislature engaged in excessive racial gerrymandering to condense the state's African-American population into as few districts as possible. *Common Cause v. Rucho*, however, argues that North Carolina engaged in egregious partisan, as opposed to racial, gerrymandering in drawing its districts. The U.S. District Court for the Middle District of North Carolina ruled in favor of the plaintiffs and ordered the districts redrawn; however, the defendants successfully petitioned for a stay until the Supreme Court rules on *Gill v. Whitford*. With SCOTUS's decision still up in the air, it's clear as to why neither Democrats nor Republicans have claimed it as a victory.

A bright spot for the Democrats, however, is that a case heard at a state circuit has been decided in their favor: In Pennsylvania, in January, the League of Women Voters successfully argued that the state's congressional districts violated the state's constitution (as opposed to the national Constitution, which many of the other cases have argued.) The Supreme Court of Pennsylvania ordered the state legislature, whose two chambers have Republican majorities, to redraw the districts by February 9th--a rather tight window.

The redrawn map has to be approved by Governor Tom Wolf, a Democrat, which means that Pennsylvania Republicans would have to draw acceptable, to Wolf, districts, or the state Supreme Court would redraw them instead. Judges are elected in Pennsylvania, and run under party lines. The Supreme Court currently has a 5–2 Democratic–Republican balance, which would imply that a map drawn by the court would favor congressional Democrats. The logic is that Republicans in the state legislature would be inclined to draw a fair map to avoid a map that potentially skews against them. Republicans do have one thing going for them: With several congressional retirements, there are fewer incumbent Congressmen they have to protect.

While Donald Trump won Pennsylvania in 2016 by a 48.2%–47.5% margin, Republicans won 13 of the state's 18 congressional districts. A more proportional map would likely narrow that margin to more closely reflect

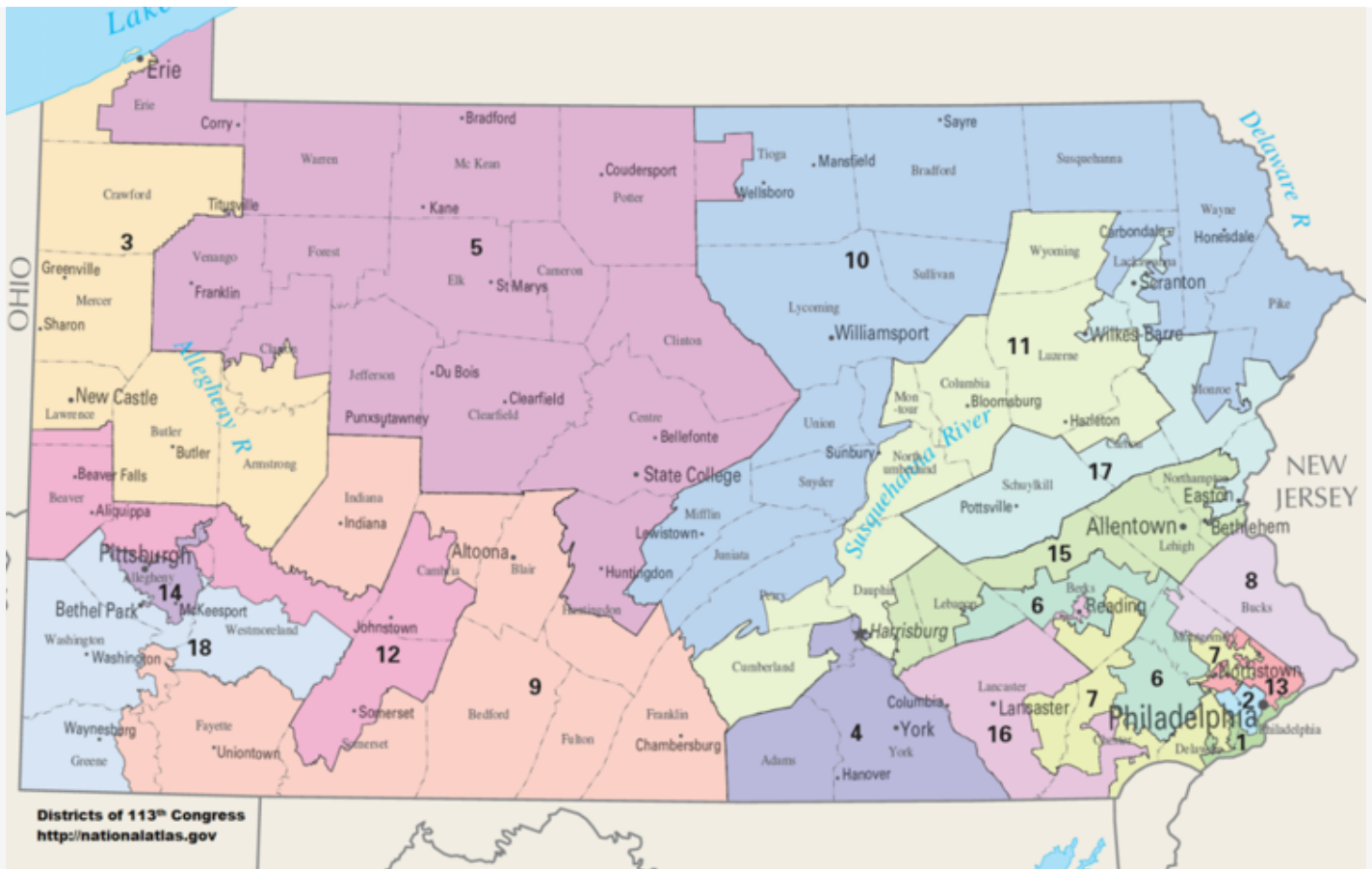
the presidential results. Interestingly, Hillary Clinton won the presidential vote in two districts currently held by Republicans, and Trump won the 17th congressional district, represented by Matt Cartwright, a Democrat.

Several Republican congressmen have already announced their decision to retire at the end of their term rather than run for reelection--Bill Schuster of the 9th Congressional District, Charlie Dent of the 15th, and Lou Barletta of the 11th, who is retiring in order to run for the Senate. Pat Meehan, who represents the heavily gerrymandered 7th district, has just announced his intentions to retire after serious allegations of sexual misconduct were raised against him. Meehan's district was one of the two Republican-held districts that was won by Clinton.

Additionally, Representative Tim Murphy, of the 18th district, resigned after allegations arose of him requesting his mistress to have an abortion. Murphy resigned in October, and a special election to replace him for the remainder of his term is being held on March 13th, far past the deadline for the redrawn maps. The retirement of a third of the Republican congressional delegation from the state allows the legislature to draw the districts more freely, without having to consider a congressman's residence or desire for a safer district. Republicans are able to draw districts that make their vulnerable incumbents, such as Ryan Costello of the 6th District and Brian Fitzpatrick of 8th District safer in their reelection bids.

A proportional redrawing of the map would result in definite losses for the Republicans--two more Democratic districts in the Philadelphia metro, a redrawing of the 17th District to be more Democratic-leaning, and perhaps a second district based in Allegheny County, home of Pittsburgh, that would be a swing district--with the potential for even more losses. The creation of an out-metro district in Fulton, Berks, and York counties isn't out of the picture, and could result in an additional loss for the Republican Party in November.

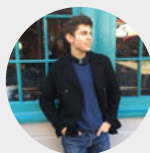
While the decision in *League of Women Voters v. Pennsylvania General Assembly* represents a major step in combating partisan gerrymandering, it is merely one piece of a national puzzle. It's important to realize that both parties use gerrymandering to their advantage. States with a Democratic state legislature, such as Maryland and Illinois, have also gerrymandered their districts to benefit the party in power, just as Republican-controlled states like Wisconsin, Pennsylvania, and Texas have. A national decision by the Supreme Court would mean that dozens of state maps would have to be redrawn, with a stricter standard for scrutinizing partisanship. With the census fast approaching in 2020, and its subsequent redistricting, it's become more pertinent than ever that a decision be made on the legality of gerrymandering.



Pennsylvania's congressional districts, which were struck down by the Pennsylvania Supreme Court in January. Districts 1, 2, 13, 14, and 17 are represented by Democrats; the rest are represented by Republicans. The 18th district is currently vacant, but was previously held by a Republican.

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